



ZONING BOARD OF APPEALS

TOWN HALL • 525 WASHINGTON STREET • WELLESLEY, MA 02482-5992

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ZBA 2013-04

Petition of Mark & Lisa Wieland

16 Elm Street

Pursuant to due notice, the Special Permit Granting Authority held a Public Hearing on Thursday, January 3, 2013, at 7:30 p.m. in the Juliani Meeting Room, 525 Washington Street, Wellesley, on the petition of MARK & LISA WIELAND requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, at 16 ELM STREET, in a 10,000 square foot Single Residence District, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On December 17, 2013, the Petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing were Jan Gleysteen, Architect and Mark Wieland, (the "Petitioner").

Mr. Redgate said that he is an abutter within 300 feet of 16 Elm Street. He said that he felt that he could review the petition impartially. He asked if there were any objections. Mr. Gleysteen said that he is also an abutter of 16 Elm Street. He said that that he had no objections to Mr. Redgate hearing the petition.

Mr. Gleysteen said that he was asked by the homeowners to design a modest addition on the rear of their 1895 historic home. He said that currently there is a detached two-car garage at the rear left hand side of the lot that will be demolished. He said that the proposal is to build an addition with an attached garage with a new family room and mudroom and also expand the second floor for a larger master suite.

Mr. Gleysteen said that they reviewed the proposed plans with the Building Inspector, who confirmed that, due to the size of the addition and the fact that that there will be a second floor, the project would require approval of a Special Permit/Finding from the Board. He said that there is a very small encroachment on the right side yard setback by five inches for the length of the existing structure.

Mr. Gleysteen said that the new addition will conform in all respects for setbacks, TLAG and other regulatory requirements.

The Board said that there is a chunk of the addition between the existing house and the bay that will be nonconforming. Mr. Gleysteen said that the question was whether cantilevering the 2.5 foot chunk would be acceptable. He said that if it is not, they will push the chunk back. The Board said that the design is better as shown on the plans.

Mr. Wieland said that they had not spoken with the neighbors. He said that houses in the neighborhood have small nonconforming side yards. He said that because it is such a tradition, they did not go through the formality of getting support letters. He said that they did meet with the abutters on the street and they were happy that the existing house would be preserved.

Mr. Wieland said that the garage at the back is a dilapidated metal shed and is not functional.

Mr. Wieland said that the existing bulkhead will be moved to the other side.

Mr. Wieland said that the fences are located on the neighbors' properties.

The Board said that the addition is pushing the envelope at 20.4 feet. The Board said that care must be taken to ensure that the project is done right. Mr. Gleysteen said that when they build that close to the setback, they have a surveyor stake it.

The Board said that there will be less driveway area. The Board confirmed that the garage will be demolished and the area will be landscaped.

Mr. Levy asked about TLAG calculations. Mr. Gleysteen said that Total Living Area plus Garage (TLAG) calculations were prepared and do comply with the regulations. The Board asked that the TLAG calculations be submitted for the file.

There was no one present at the Public Hearing who wished to speak to the petition.

Statement of Facts

The subject property is located at 16 Elm Street, in a 10,000 square foot Single Residence District, with a minimum right side yard setback of 19.6 feet.

The Petitioner is requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 12/12/12, stamped by Bruce Bradford, Professional Land Surveyor, Existing and Proposed Floor Plans and Elevations Drawings, dated 12/12/12, prepared by Jan Gleysteen Architects, Inc., and photographs were submitted.

On December 27, 2012, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing. The subject structure does not conform to the current Zoning Bylaw, as noted in the foregoing Statement of Facts.

It is the opinion of this Authority that construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted, as voted unanimously by this Authority at the Public Hearing, for construction of a two-story addition that will meet all setback requirements, on an existing nonconforming structure with less than required right side yard setbacks, in accordance with the submitted plot plan and construction drawings.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed constructions plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time stamped on this decision.

2013 JAN 17 P 2:49
RECEIVED
BUILDING OFFICE
JAN 17 2013

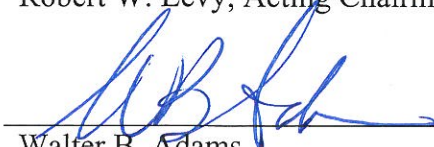
ZBA 2013-04
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16 Elm Street

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ALLSLEY 12A 05182

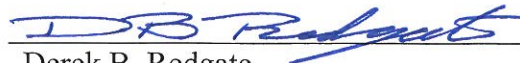
APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.



Robert W. Levy, Acting Chairman



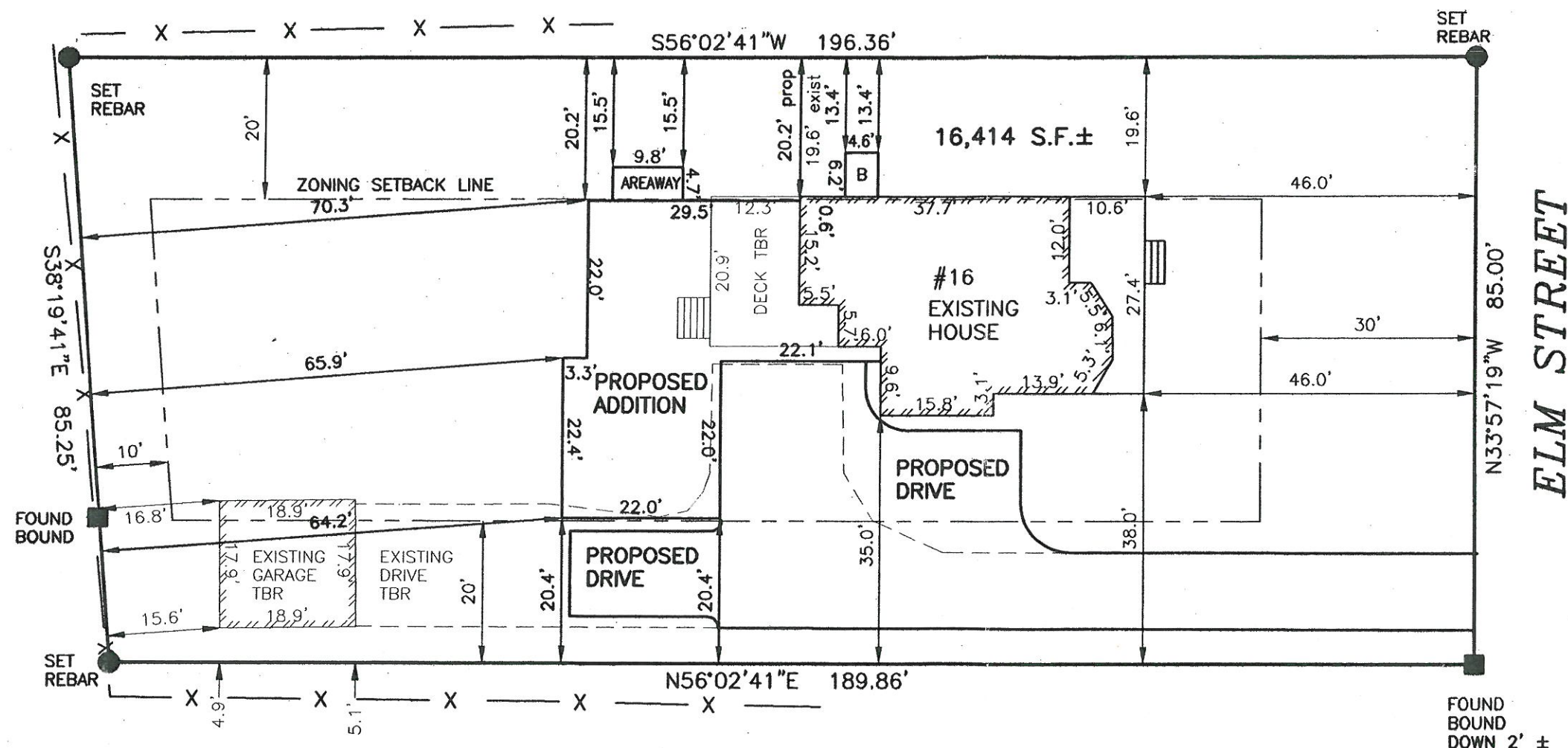
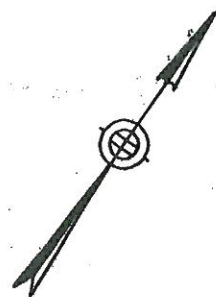
Walter B. Adams



Derek B. Redgate

cc: Planning Board
Inspector of Buildings
lrm

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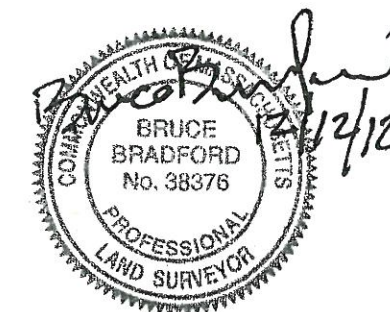


PROPOSED
STRUCTURES 2494 S.F.
LOT COVERAGE 15.2%

EMB

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DEED REF: BK 28982 PG. 302
PLAN REF: PL BK 868 PL 389
PLAN DATED OCT 10, 1896



TO ACCOMPANY THE PETITION OF
MARK & LISA WIELAND

SCALE: 1 IN. = 20 FT.
DATE: DECEMBER 12, 2012
DRAWN: ER
CHECK: BB

REVISIONS:

PROJECT NO. 24042